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Attorneys for Specially Appearing  
Defendant, Florian Homm

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

Securities and Exchange Commission,	)	Case No.: CV 11-01637 (GHK) (RZx)
	)	
Plaintiff,	)	<b>Defendant Florian Homm’s Notice of</b>
vs.	)	<b>Motion and Motion to Stay Discovery</b>
	)	<b>and Extend Time for Florian Homm</b>
Todd M. Ficeto, Florian Homm, Colin	)	<b>To Satisfy Requirements of Rule 26,</b>
Heatherington, Hunter World Markets,	)	<b>Fed. R. Civ. Proc., Pending</b>
Inc. and Hunter Advisors LLC,	)	<b>Resolution of Motion To Dismiss</b>
	)	
Defendants,	)	Date: January 7, 2013
	)	Time: 9:30 a.m.
	)	Place: Hon. George H. King,
	)	Ctrm 660, Roybal Fed. Bldg.
	)	255 E. Temple Street
	)	Los Angeles, CA 90012

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

Please take notice that on January 7, 2013 at 9:30 a.m. or as soon thereafter as the matter may be heard before the Hon. George H. King, Courtroom 660, Roybal Federal Building, 255 E. Temple Street, Los Angeles, CA 90012, Defendant Florian Homm, specially appearing for the purpose of moving to dismiss this action based on lack of personal and subject matter jurisdiction, will, and hereby does, move for an order staying discovery in this case for all parties and suspending Florian Homm's obligations under Rule 26 of the Federal Rules of Civil Procedure pending this Court's determination of Homm's Motion to Dismiss under Rule 12(b). That motion will be filed on or around December 20, 2012 and is expected to be set for hearing before this Court on February 4, 2013.

Good cause exists to grant this Motion for the following reasons, as set forth in greater detail in the Memorandum of Points and Authorities filed herewith.

1. This cases arises out of an extraordinary extraterritorial reach by Plaintiff, the Securities and Exchange Commission (the "SEC"), to impose United States securities laws, relief and sanctions on foreign persons, including Homm, over foreign transactions between exclusively foreign funds, on the basis that these transactions indirectly affected the securities markets of the United States. The damages sought against these foreign parties by the SEC are not remotely tied to any damages actually suffered by any United States citizen. Instead, the relief sought is devoid of any logical tie to the United States or its interests.
2. As a result of the extraordinary foreign nature of this action, both the subject matter and personal jurisdiction issues in this case are extremely complex and involve actively developing areas of the United States securities laws.

1 3. At the same time, the exclusively foreign factual background of this case  
2 mandates that discovery be taken in foreign lands and, thus, would  
3 warrant substantial travel by counsel for Homm.

4 4. The SEC, as a United States governmental agency with unlimited  
5 resources, and which is armed with three years of pre-litigation  
6 investigative discovery, will not be harmed by a short stay of discovery.

7 5. Given the document intensive nature of the underlying claims, the SEC's  
8 production alone in its initial disclosures, according to the SEC, would  
9 require a 500 GB hard drive!

10 6. Homm should be allowed to raise his jurisdictional challenges as a  
11 preliminary matter before having to engage in extremely costly  
12 discovery.  
13

14 This motion is based on this Notice of Motion, the attached Memorandum of  
15 Points and Authorities, the Declaration of Adam Kravitz, the entire record herein,  
16 and such further briefing and argument as the Court may hear.

17 This motion is made following an e-mail correspondence with counsel in  
18 compliance with Local Rule 7-3, which occurred on December 5-6, 2012. In that  
19 correspondence, the parties were not able to agree on a resolution of the matters  
20 raised in this motion.

21 WHEREFORE, Defendant, Florian Homm, prays for an order staying all  
22 discovery in this case and suspending all obligations imposed on Florian Homm  
23 under Rule 26 of the Federal Rules of Civil Procedure until such time as this Court  
24 rules on Homm's Motion to Dismiss under Rule 12(b); and granting such other  
25 relief as this Court deems just.  
26  
27  
28

1 Date: December 10, 2012

Kravitz & Co. PA

2  
3 By: /s/ Adam Kravitz

4 Adam Kravitz

5  
6 Date: December 10, 2012

Corrigan & Morris LLP

7  
8 By: /s/ Stanley C. Morris

9 Stanley C. Morris